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To: Energy Service Providers

Subject: Weatherizing Single Units in Multi-family Buildings

CSD has received a number of queries and complaints regarding DOE's policy on the weatherization of single units in multi-family buildings under the Department of Energy (DOE) Weatherization Assistance Program ("Regular") and the DOE American Recovery and Reinvestment Act (ARRA) contracts. The relevant documents are CSD's May 23, 2011 Broadcast Bulletin B 11-03 which reflected DOE's guidance (Weatherization Program Notice, WPN 11-4).

- WPN 11-4 states that "Weatherizing only a single a single unit within a multi-unit building would not meet this [the 66/50 % rule] program requirement." In other words, DOE contends that for a unit within a building to qualify, the building must qualify.
- CSD shares service provider doubts and concerns about whether DOE's position is in fact supported by applicable legal authority (CFR § 440.22) and has communicated its views in the matter to DOE. CSD's Chief Counsel has formally conveyed the Department's legal opinion to DOE's General Counsel and requested a detailed statement of the legal basis for the federal guidance.
- Unless and until CSD obtains DOE's concurrence that single units within multi-units buildings are eligible for weatherization, *providers should continue to follow existing federal and state guidance and refrain from weatherizing single units in multi-unit buildings.*
- The possibility that DOE may disallow costs associated with weatherization of single units in multi-unit buildings, would suggest changing policy before the matter is resolved constitutes an undue risk to service providers.
- CSD will keep service providers apprised of developments as they occur.